



25 MAR 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Steinberg & Raskin, P.C.
1140 Avenue of the Americas, 15th Floor
New York, NY 10036-5803

In re Application of HEINONEN et al
U.S. Application No.: 09/889,438
Int. Application No.: PCT/FI00/00019
Int. Filing Date: 12 January 2000
Priority Date: 12 January 1999
Attorney Docket No.: 989.1033
For: METHOD FOR CHANGING LINEAR
LOAD ON A REEL-UP

:
:
:
:
:
:
:
:

DECISION

This is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.81" filed 18 March 2003.

BACKGROUND

On 12 January 2000, applicant filed international application PCT/FI00/00019, which claimed priority of an earlier Finland application filed 12 January 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 20 July 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 14 July 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 July 2001.

On 12 July 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 August 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 31 May 2002, the DO/EO/US mailed a Notice of Abandonment, which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 02 December 2002, applicant filed a petition under 37 CFR 1.181 along with an executed declaration.

On 30 January 2003, this Office mailed a decision dismissing the 02 December 2002 petition.

On 18 March 2003, applicant filed the present renewed petition under 37 CFR 1.181.

DISCUSSION

According to the Official Gazette at 1156 OG 53 and MPEP 711.03(c), a petition to withdraw a holding of abandonment based on failure to receive an Office communication must include: (1) a statement by the practitioner that the Office communication was not received by the practitioner, (2) a statement by the practitioner that he searched the application file jacket and docket records and that the search indicates that the Office communication was not received, and (3) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

With regard to item (1) above, applicant's representative has provided the required statement.

With regard to item (2) above, applicant's representative has provided the required statement.

With regard to item (3) above, applicant's representative has submitted a docket record which lists responses due to the USPTO on 22 October 2001. This docket record illustrates the absence of any listing of a response due to a Notification of Missing Requirements.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notice of Abandonment mailed 31 May 2002 is hereby VACATED.

The application has an International Filing Date of 12 January 2000 and a date under 35 U.S.C. 371(c) of 02 December 2002.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision.



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459